United Nations CCPR/C/GRC/Q/2

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the second periodic report of Greece*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please state whether the provisions of the Covenant are directly applicable by domestic courts and the extent to which they are invoked and applied. Where this has happened, please provide information. Please also provide information on the availability of remedies for individuals claiming a violation of the rights contained in the Covenant.

2. With reference to the Committee's recent decision to suspend the follow-up procedure with regard to communication No. 1799/2008 (*Georgopoulos and others*), owing to its unsatisfactory implementation, please describe the current procedure for implementing the Views adopted by the Committee under the Optional Protocol to the Covenant. Please indicate the measures that have been taken by the State party to follow up on communications Nos. 1070/2002 (*Kouidis*), 1486/2006 (*Kalamiotis*) and 1558/2007 (*Katsaris*).

3. Please indicate the measures taken to ensure that the Greek National Commission for Human Rights is provided with adequate financial resources for its effective functioning and full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), despite the serious financial and economic crisis currently being faced by the State party.

Non-discrimination, equality between men and women, and rights of minorities (arts. 2, 3, 20, 26 and 27)

4. Please indicate the steps taken to enhance the participation and representation of women in political and public life, to increase the representation of women in decision-making positions and to implement the one-third quota of women candidates (CCPR/C/GRC/2, paras. 66 and 67). Please also indicate the measures that have been taken to increase the participation of women in the civil service and the judiciary, including in senior positions.

5. Please provide information on measures taken to address the particularly high unemployment figures for women and persons with disabilities. Please also provide

* Adopted by the Committee at its 113th session (16 March–2 April 2015).

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information on measures taken to address the disproportionate impact of the crisis and austerity measures on women. In addition, please provide information on measures designed to improve accessibility to public buildings and to public transportation for persons with disabilities.

6. Please provide information on the impact of the implementation of the National Programme for Substantive Gender Equality 2010–2013 and updated information on the newly designed policy for gender equality for the period from 2014 to 2020 (CCPR/C/GRC/2, para. 69). Please also comment on reports that the existing legal framework is inadequate to ensure effective judicial protection for women victims of discrimination.

7. In the light of the previous concluding observations (CCPR/CO/83/GRC, para. 19), please provide information on measures taken to combat discrimination and hate speech on the grounds of sexual orientation or gender identity and to intensify awareness-raising activities aimed at the police force and the wider public. Please also clarify whether law 3304/2005, on anti-discrimination, prohibits discrimination on the grounds of sexual orientation and gender identity in all fields, and provide the number of individual complaints received by the Greek Ombudsman in the past five years relating to discrimination on the grounds of sexual orientation and gender identity, as well as information on measures taken in response to those complaints.

8. Please provide information on specific measures taken to combat manifestations of racism and xenophobia and to ensure that such cases are investigated effectively and those responsible are appropriately sanctioned, including when law enforcement officials have been involved in the incidents concerned. Please comment on reports that the majority of racist incidents are not reported to the police because of a lack of trust in authorities, the absence of a safe complaints mechanism and the reluctance by the police to register complaints. Please provide information on the number of racist hate crimes reported to the police and on the ensuing investigations and convictions, since 2010. Please provide updated information on the progress of the parliamentary review of the new anti-racism bill.

9. In the light of the Committee's previous recommendation (CCPR/CO/83/GRC, para. 18), please provide information on the results achieved under the 2011 national strategy for Roma, in particular in access to employment, education, equal pay, housing and health care. Please provide statistics on the impact of those measures and respond to concerns about the persistence of polygamy and early marriage among Roma and other minority communities.

Right to life, violence against women, including domestic violence, and prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 3, 6 and 7)

10. In the light of the previous concluding observations of the Committee (CCPR/CO/83/GRC, para. 7), please provide information on measures taken by the State party with a view to better preventing and prosecuting acts of domestic and sexual violence against women and affording greater protection to victims. Please provide information on: (a) the number of complaints received; (b) investigations carried out; (c) types of penalties imposed and sentences actually served; (d) compensation awarded to victims; and (e) the number of safe shelters and any other services available to assist victims of domestic violence, as well as the number of women and girls in those shelters. Please also provide updated information on the progress made in establishing the integrated action plan in support of women and on combating violence at the national and local levels (CCPR/C/GRC/2, paras. 53–55).

11. In the light of the previous concluding observations of the Committee (CCPR/CO/83/GRC, para. 9), please report on specific measures taken to address allegations of police violence and of excessive use of force by the police, including in police stations. Please report on relevant training initiatives aimed at the police force. Please also report on whether the State party intends to amend the legislative framework on the use of arms by police officers (CCPR/C/GRC/2, para. 74).

12. Please provide statistics on the annual number of complaints of violence committed by police and prison service personnel that have been lodged since 2010, the number of investigations opened, their outcome, and any penalties imposed on policemen who had resorted to excessive force or violence. Please report on whether the office responsible for handling alleged instances of abuse, whose setting-up was provided for by law 3938/2011, is currently operational and is an independent body (CCPR/C/GRC/2, para. 86).

13. Please respond to allegations that persons with developmental disabilities, including children, are held in special institutions under conditions of systematic sedation, are kept in wooden cage beds or restrained in their beds in order to prevent self-harm and do not receive adequate health care and education.

Elimination of slavery and servitude (art. 8)

14. In the light of the Committee's previous concluding observations (CCPR/CO/83/GRC, para. 10), please provide updated information on: (a) the progress made in preventing trafficking in persons; (b) the prevalence of this phenomenon, expressed with up-to-date statistical data; and (c) the number of prosecutions, convictions and sanctions imposed on persons involved in human trafficking. Please provide information on the impact of law 4198/2013 and on the progress made by the Office of the National Rapporteur in combating trafficking in persons.

Right to liberty and security of person, treatment of persons deprived of their liberty, and fair trial and independence of the judiciary (arts. 7, 9, 10, 14 and 24)

15. Please comment on reports that the increase in litigation costs for legal proceedings violates the right to access to justice. Please provide information on measures taken to address the existing backlog before the civil and criminal courts, and in particular please report on the impact of law 4055/2012 regarding a fair trial and a reasonable length thereof.

16. In the light of the previous concluding observations (CCPR/CO/83/GRC, para. 12), please provide updated statistics on the number of prison facilities in the State party, their capacity, and the number of inmates currently held therein. Please report on measures taken to improve the quality of health, the temperature and the sanitation services in prison facilities and to address the shortage of staff, in particular in Korydallos Men's Prison. Please provide information on measures taken to ensure the segregation of criminal convicts from pretrial detainees and irregular migrants, and on measures taken to increase the use of non-custodial preventive measures and alternatives to custodial sentences.

17. Please provide information on measures taken to ensure that persons held in police custody are afforded fundamental legal safeguards from the very outset of their deprivation of liberty in all cases, including but not limited to: (a) the right to have prompt access to a lawyer — including, where necessary, a public defence counsel provided by the State; (b) the ability to meet and correspond confidentially with their lawyer; (c) the right to promptly inform third persons of the detention; (d) the right to be informed promptly and in detail, in a language understood by them, of the nature and cause of the charges against them; (e) the right to have access to a court-appointed interpreter in detention-related proceedings; (f) the right to be examined by a doctor of their choice; (g) the right to be tried

without delay and to be held in pretrial detention for the shortest time possible; and (h) the need to minimize the time spent in remand detention in police custody.

Treatment of aliens and protection of children (arts. 2, 7, 9, 10, 13, 24 and 26)

18. Please explain the reasons for Presidential Decree 116/2012 extending the maximum period of detention of asylum seekers from 12 to 18 months. Please also explain the reasons for the large-scale detention sweeps undertaken in the context of operation Xenios Zeus, and their compatibility with the Covenant. Please provide information on the actual use of alternatives to detention of migrants awaiting deportation under law 3907/2011, and on the ability of detained migrants to challenge detention and deportation orders issued in Greek. Furthermore, please respond to allegations that detained migrants may be redetained for lengthy periods of time if they do not leave Greece after the expiration of their short-term laissez-passer papers.

19. In the light of the previous concluding observations of the Committee (CCPR/CO/83/GRC, para. 17), please provide information on the measures taken to protect the rights of unaccompanied children who enter Greek territory. Please comment on reports that unaccompanied minors are systematically detained or otherwise accommodated in police detention cells and are held with adults in immigration facilities, and that some minors are released without the appointment of a guardian.

20. Please comment on reports received of abuses committed during the expulsion of aliens, particularly in the Evros region, and on reports of illegal pushbacks of refugees from Afghanistan, Eritrea, Somalia and the Syrian Arab Republic. Please indicate measures taken to ensure strict compliance with the principle of non-refoulement in practice, and clarify how this principle is compatible with collective expulsions of irregular migrants.

21. In the light of the previous concluding observations of the Committee (CCPR/CO/83/GRC, para. 11), please respond to reports indicating that conditions of detention in police and border guard stations remain very harsh and amount, at times, to inhuman and degrading treatment, and that detained migrants have limited contact with the outside world, including with their families, consular offices, professional interpreters and lawyers. Please provide updated information on the establishment of pre-removal centres (CCPR/C/GRC/2, para. 119) and whether those centres are sufficient to accommodate all undocumented aliens in adequate living and sanitary conditions. Please comment on allegations of physical ill-treatment of undocumented migrants by police officers in pre-removal centres.

22. Please explain how article 59 of law 4057/2012, which establishes that migrants or asylum seekers can be detained on public health grounds based on a suspicion of carrying an infectious disease, or for living in conditions that do not meet minimum standards of hygiene, is compatible with the obligations of Greece under the Covenant.

Imprisonment for debt (art. 11)

23. Please explain in what circumstances detention is allowed for tort claims (CCPR/C/GRC/2, para. 128) and how those provisions are compatible with article 11 of the Covenant.

Freedom of religion and belief (arts. 14 and 18)

24. In the light of the Committee's previous concluding observations (CCPR/CO/83/GRC, para. 15), please clarify the maximum length of military, navy and air force service. Please respond to reports that, in the majority of cases, the duration of civilian service is six months longer than the duration of military service. How does the State party ensure that the Special Committee works independently and that persons

submitting applications on the grounds of conscientious objection have the right to appeal the Special Committee's decision? Please also clarify if, and to what extent, repeated punishment is inflicted by Greek military courts on conscientious objectors for the single act of refusing military service.

Rights of persons belonging to minorities (arts. 2, 19, 22 and 27)

25. Please provide statistical information relating to minorities that has not already been included in the State party's report, including data demonstrating the ethnic composition of the country, the use of mother tongues and commonly spoken languages, and other indicators of ethnic diversity. Please indicate any legislative provisions protecting the rights of individuals who identify with these minorities. Please provide information on the political participation of minorities and indicate how legislation guarantees their inclusion and participation. Please also provide information on measures that have been taken to ensure that members of ethnic groups can enjoy the right to their own culture, to practise their own religion and to use their own language.

26. Please explain how the decision not to register some associations of Macedonian and Turkish communities is compatible with article 22 of the Covenant.

Freedom of speech and association (arts. 7, 9, 19 and 21)

27. Please provide information on measures taken to protect peaceful demonstrators and journalists against violence from members of extremist groups, such as Golden Dawn, and please respond to allegations that riot police officers apply excessive force against demonstrators and do not comply with the regulations requiring them to visibly display their personal identification numbers.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

28. Please provide information on the steps taken to disseminate information on the Covenant and the first Optional Protocol thereto, and on the submission of the second periodic report of the State party and its forthcoming examination by the Committee. Please also provide further information on the involvement of representatives of civil society and non-governmental organizations in the preparatory processes for the report.